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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/635,630
		Filing Date	08/06/2003
		First Named Inventor	KENNEDY
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	8	Attorney Docket Number	6865-18

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After-Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<p><b>Remarks</b>            Please acknowledge receipt of the paper(s) noted herein by returning the attached postcard receipt.            No fees are believed necessary, but please charge any deficiencies to Deposit Account No. 50-0951.</p>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	AKERMAN SENTERFITT Sarah E. Smith, Registration No. 50,488
Signature	
Date	12/24/03

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

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Typed or printed	Sarah E. Smith
Signature	
Date	12/24/03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of KENNEDY et al.

Application No. 10/635,630

Examiner:

Filed: August 6, 2003

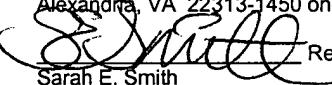
Group Art Unit:

For: MASSAGE DEVICE

**INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR §1.97(b)**

CERTIFICATE OF TRANSMISSION/MAILING

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Sarah E. Smith Reg. No. 50,488

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, the references cited on the accompanying forms PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. In accordance with the Rules in effect for applications filed after June 30, 2003, copies of U.S. patents and/or patent application publications are not enclosed. The references were cited in an International Search Report prepared by the European Patent Office on a corresponding PCT application. A copy of the Search Report enclosed. U.S. Patent No. 6,338,170 was previously cited in an Information Disclosure Statement dated November 21, 2003.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to

antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicants respectfully request that the listed documents be considered by the Examiner and made of record in the present application and that an initialed copy of forms PTO/SB/08A be returned in accordance with MPEP §609.

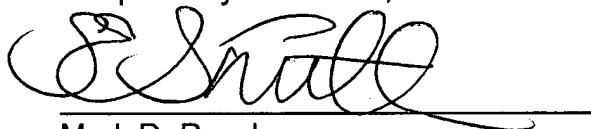
Certification

This Statement is being filed prior to the issuance of the first Office Action on the merits for the present application, and this paper is thus submitted in accordance with 37 CFR §1.97(b). In view of this certification, a fee is not required for consideration of these documents. Nevertheless, should a fee be deemed to be due by the Commissioner, such fee should be charged to Deposit Account No. 50-0951.

Dated: 12/24/03

Docket No. 6865-18

Respectfully submitted,



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**Substitute for form 1449/PTO**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

***(Use as many sheets as necessary)***

<b>Complete if Known</b>	
Application Number	10/635,630
Filing Date	08/06/2003
First Named Inventor	KENNEDY
Art Unit	
Examiner Name	
Attorney Docket Number	6865-18

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of 1

Attorney Docket Number 6865-1

## U. S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup> Applicant's unique citation designation number (optional). <sup>3</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>7</sup> Applicant is to place a check mark here if English language Translation is attached.

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